

[Second Reprint]

**SENATE, No. 2517**

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**STATE OF NEW JERSEY**

**211th LEGISLATURE**

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INTRODUCED MAY 12, 2005

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**SYNOPSIS**

Authorizes court to refrain from imposing driver's license suspension on defendant convicted of CDS offense if compelling circumstances exist.

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 5, 2006.

(Sponsorship Updated As Of: 1/10/2006)

1 AN ACT concerning penalties for drug offenses and amending  
2 N.J.S.2C:35-16.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. N.J.S.2C:35-16 is amended to read as follows:

8 2C:35-16. **[Mandatory]** Forfeiture or Postponement of Driving  
9 Privileges.

10 a. In addition to any disposition authorized by this title, the  
11 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other  
12 statute indicating the dispositions that can be ordered for an  
13 adjudication of delinquency, and notwithstanding the provisions of  
14 subsection c. of N.J.S.2C:43-2 **[every]**, a person convicted of or  
15 adjudicated delinquent for a violation of any offense defined in this  
16 chapter or chapter 36 of this title shall forthwith forfeit his right to  
17 operate a motor vehicle over the highways of this State for a period to  
18 be fixed by the court at not less than six months or more than two  
19 years which shall commence on the day the sentence is imposed unless  
20 the court finds compelling circumstances warranting an exception. For  
21 the purposes of this section, compelling circumstances warranting an  
22 exception exist if the forfeiture of the person's right to operate a motor  
23 vehicle over the highways of this State will result in extreme hardship  
24 and alternative means of transportation are not available. In the case  
25 of **[any]** a person who at the time of the imposition of sentence is less  
26 than 17 years of age, the period of [the] any suspension of driving  
27 privileges authorized herein, including a suspension of the privilege of  
28 operating a motorized bicycle, shall commence on the day the sentence  
29 is imposed and shall run for a period as fixed by the court of not less  
30 than six months or more than two years after the day the person  
31 reaches the age of 17 years. If the driving privilege of any person is  
32 under revocation, suspension, or postponement for a violation of any  
33 provision of this title or Title 39 of the Revised Statutes at the time of  
34 any conviction or adjudication of delinquency for a violation of any  
35 offense defined in this chapter or chapter 36 of this title, [the] any  
36 revocation, suspension, or postponement period imposed herein shall  
37 commence as of the date of termination of the existing revocation,  
38 suspension, or postponement. <sup>2</sup>[<sup>1</sup>A person, at any time after  
39 sentencing and upon notice to the prosecutor, may make an application  
40 to the court to restore his right to operate a motor vehicle over the  
41 highways of this State; provided the application is based upon new

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SJU committee amendments adopted December 12, 2005.

<sup>2</sup> Senate floor amendments adopted January 5, 2006.

1 evidence or new information which demonstrates compelling  
2 circumstances warranting an exception.<sup>1</sup>]<sup>2</sup>

3     **[The]** b. If forfeiture or postponement of driving privileges is  
4 ordered by the court pursuant to subsection a. of this section, the  
5 court **[before whom any person is convicted of or adjudicated**  
6 **delinquent for a violation of any offense defined in this chapter or**  
7 **chapter 36 of this title]** shall collect forthwith the New Jersey driver's  
8 license or licenses of the person and forward such license or licenses  
9 to the Director of the Division of Motor Vehicles along with a report  
10 indicating the first and last day of the suspension or postponement  
11 period imposed by the court pursuant to this section. If the court is  
12 for any reason unable to collect the license or licenses of the person,  
13 the court shall cause a report of the conviction or adjudication of  
14 delinquency to be filed with the Director. That report shall include the  
15 complete name, address, date of birth, eye color, and sex of the person  
16 and shall indicate the first and last day of the suspension or  
17 postponement period imposed by the court pursuant to this section.  
18 The court shall inform the person orally and in writing that if the  
19 person is convicted of personally operating a motor vehicle during the  
20 period of license suspension or postponement imposed pursuant to this  
21 section, the person shall, upon conviction, be subject to the penalties  
22 set forth in R.S.39:3-40. A person shall be required to acknowledge  
23 receipt of the written notice in writing. Failure to receive a written  
24 notice or failure to acknowledge in writing the receipt of a written  
25 notice shall not be a defense to a subsequent charge of a violation of  
26 R.S.39:3-40. If the person is the holder of a driver's license from  
27 another jurisdiction, the court shall not collect the license but shall  
28 notify forthwith the Director who shall notify the appropriate officials  
29 in the licensing jurisdiction. The court shall, however, in accordance  
30 with the provisions of this section, revoke the person's non-resident  
31 driving privilege in this State.

32     c. In addition to any other condition imposed, a court may in its  
33 discretion suspend, revoke or postpone in accordance with the  
34 provisions of this section the driving privileges of a person admitted  
35 to supervisory treatment under N.J.S.2C:36A-1 or N.J.S.2C:43-12  
36 without a plea of guilty or finding of guilt.

37 (cf: P.L.1988,c.44,s.7)

38  
39     2. This act shall take effect immediately.